

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.3367 OF 2006

The State of Maharashtra

...Applicant

Vs.

Vishal Nagesh More & Anr.

...Respondents

Shri S.R.Shitole, A.P.P. for the Applicant.

**CORAM : A. S. OKA, J.
DATE : SEPTEMBER 22, 2006.**

P.C.:

1. Heard the learned A.P.P. for the State. Perused the impugned Judgment and Order. The Trial Court has acquitted the Respondents of the offences punishable under section 3(1)(x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and Section 7(1)(3) of Protection of Civil Rights Act. After having considered the submissions of the learned A.P.P, I find that no case is made out for grant of leave. The learned Trial Judge has considered the entire oral and documentary evidence on record. The learned Trial Judge observed that there are number of contradictions and omissions in the evidence of material witnesses and independent witnesses were not examined. The learned Trial Judge held that the complainant suppressed material facts as regards enmity between his family and family of the accused and the

pendency of the case filed by the Respondent No.1 against a member of the family of the complainant. Taking overall view of the evidence, the learned Judge held that it was not safe to act upon the evidence of the witnesses as the said witnesses were not found to be reliable. The view taken by the learned Trial Judge is a possible view which could be taken on the basis of evidence on record. No case is made out for grant of leave. Application is rejected.

JUDGE